



#9/misc paper 3626

PATENT

S.E.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: James F. Allsup
SERIAL NO.: 09/629,323
FILED: July 31, 2000
EXAMINER: Nguyen
DOCKET NO.: 7554
GROUP ART UNIT: 3626
FOR: Long Term Disability
Overpayment Recovery
Service With Post Award
Service And Savings Plan

10-16-03

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on July 17, 2003.

Ned W. Randle
Ned W. Randle, Reg. No. 35,989

July 17, 2003
Date of Signature

Commissioner of Patents
Alexandria, VA 22313-1450

July 17, 2003
St. Louis, Missouri

Communication

Sir:

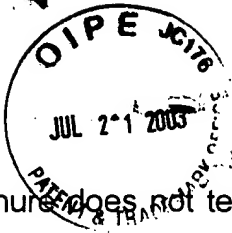
It recently has come to the attention of the undersigned that page 10 of the Amendment A dated February 28, 2003 may have inadvertently been omitted.

Therefore, the undersigned herewith submits a duplicate page 10 of the amendment.

Respectfully submitted,

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brochure does not teach one skilled in the art to practice any method of overpayment recovery, much less each step of the claimed invention. (Affidavit of James F. Allsup Under 37 C.F.R. §1.132, ¶19). The reference does not establish *prima facie* obviousness. To establish *prima facie* obviousness all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974), as cited in *The Manual of Patent Examining Procedures* §2143.03 (2001 ed).

The reference certainly does not teach or suggest the limitations of the instant methods. The brochure does not describe in any manner a method of coordination much less a system of determining if the disabled individual qualifies to receive SSDI, obtaining a pre-authorization to recover an overpayment, filing a claim with the SSA, obtaining an award from the SSA or automatically recovering the overpayment using a preauthorized withdrawal form as provided by independent claim 1. Thus claim 1 is allowable.

Independent claim 12 recites further claim elements that certainly are not taught or suggested by the reference such as obtaining the authorization from the claimant, obtaining access to an approved deposit account, determining the date of the transfer of the funds from the SSA to the claimant, and obtaining direct transfer of the SSDI from the SSA. The Examiner admits at page 8 of the DETAILED ACTION that each stage of the loss control services and coordination of overpayments is not clear in SSDC, which supports Applicant's contention that the reference is not enabling. Furthermore, the reference does not suggest determining a date of direct deposit from the SSA, an important step that allows compliance with ACH rules requiring a firm date of